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Attorneys for Defendant James William Saunders, Jr.

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA**

JOANNA L. PFEISTER and THE
O'CONNOR IRREVOCABLE TRUST,

Plaintiffs,

v.

JAMES WILLIAM SAUNDERS, JR., *et al.*,

Defendants.

Case No. 2:11-cv-707-RLH-GWF

MOTION TO SUBSTITUTE UNITED STATES AS DEFENDANT

Defendant James William Saunders, Jr. (Saunders), by and through his attorneys, Daniel G. Bogden, United States Attorney, and Roger W. Wenthe, Assistant United States Attorney, for the District of Nevada, hereby requests the Court to substitute the United States as defendant in this action in place of Saunders. In support of his motion, Saunders presents the attached memorandum of points and authorities.

Dated: May 10, 2011

Respectfully Submitted,

DANIEL G. BOGDEN
United States Attorney

/s/ Roger W. Wenthe
ROGER W. WENTHE
Assistant United States Attorney

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JOANNA L. PFEISTER and THE)
 O'CONNOR IRREVOCABLE TRUST,)
 Plaintiffs,)
 v.)
 JAMES WILLIAM SAUNDERS, JR., *et al.*,)
 Defendants.)

Case No. 2:11-cv-707-RLH-GWF

**MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF
 MOTION TO SUBSTITUTE UNITED STATES AS DEFENDANT**

This action was removed from the state district court based on the Certification by United States Attorney Daniel G. Bogden that defendant James William Saunders, Jr. (Saunders) was acting within the scope of his employment as a federal employee at the time of the events giving rise to this lawsuit. (Docket No. 1, Ex. B.) When such a Certification is made and a tort case is removed from state court, then, under 28 U.S.C. § 2679(d)(2): "Such action or proceeding shall be deemed to be an action or proceeding brought against the United States under the provisions of this title and all references thereto, and the United States shall be substituted as the party defendant."

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1 Saunders therefore requests the Court to substitute the United States for Saunders as the
2 defendant in this action.

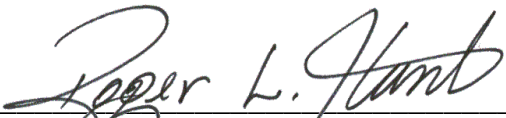
3 Dated: May 10, 2011

4 Respectfully Submitted,

5 DANIEL G. BOGDEN
6 United States Attorney

7 /s/ Roger W. Wenthe
8 ROGER W. WENTHE
9 Assistant United States Attorney

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11 **IT IS SO ORDERED.**

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13 _____
14 **UNITED STATES DISTRICT JUDGE**

15 **DATED: May 11, 2011**
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CERTIFICATE OF SERVICE

The undersigned, an employee of the United States Attorney's Office for the District of Nevada, hereby certifies that the foregoing document was served on the following by the means indicated on this date.

First Class Mail

Joanna L. Pfeister
7059 Big Springs Court
Las Vegas, NV 89113

Dated: May 10, 2011

/s/ Roger W. Wenthe
Roger W. Wenthe
Assistant United States Attorney